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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,017	12/18/2003	Michael Jackson II	706804US1	1703
24938	7590	12/12/2006	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION			FIGUEROA, ADRIANA	
CIMS 483-02-19			ART UNIT	
800 CHRYSLER DR EAST			PAPER NUMBER	
AUBURN HILLS, MI 48326-2757			3637	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/740,017

Applicant(s)

JACKSON ET AL.

Examiner

Adriana Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference 38 in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 2, line 10, the disclosure of "Figure 4 is a cross-sectional view according to Figure 3 of a further embodiment of the invention" is unclear.

Appropriate correction is required.

***Claim Objections***

3. Claim 14 objected to because of the following informalities: in line 1 the phrase "the engagement module is formed a material..." is grammatically incorrect. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 8, 14, 15 are rejected under 35 U.S.C. 103(a) as being anticipated by Roberts (U.S. 3,953,630).

Regarding claim 1, Robert discloses a window assembly comprising: a first glass layer (10); a second glass layer (11) bonded to the first glass layer by an adhesive (12), the adhesive defining a spacing between the first and second glass layers; and an engagement module (e) having a portion adapted for bonding in the spacing between the first and second glass layers, (annotated Figure 1). The phrase "the engagement module adapted to connect the window to the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claim 2, Roberts discloses a window wherein the adhesive is polyvinyl butyral, (Column 4, Line 37).

Regarding claim 3, Roberts discloses a window wherein the engagement module (e)

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comprises a border (b) for bonding between the first (10) and second (11) glass layers and a central hub (16), (annotated Figure 1). The phrase "adapted to engage the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claim 7, Roberts discloses a window wherein the central hub (16) comprises an aperture (28), (annotated Figure 1). The phrase "for lockingly engaging the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claim 8, Roberts discloses a window wherein the engagement module (e) is bonded to a lower edge (l) of the window, (annotated Figure 1). The phrase "for vertical movement of the window by the window opening mechanism" is considered intended use and is given no patentable weight.

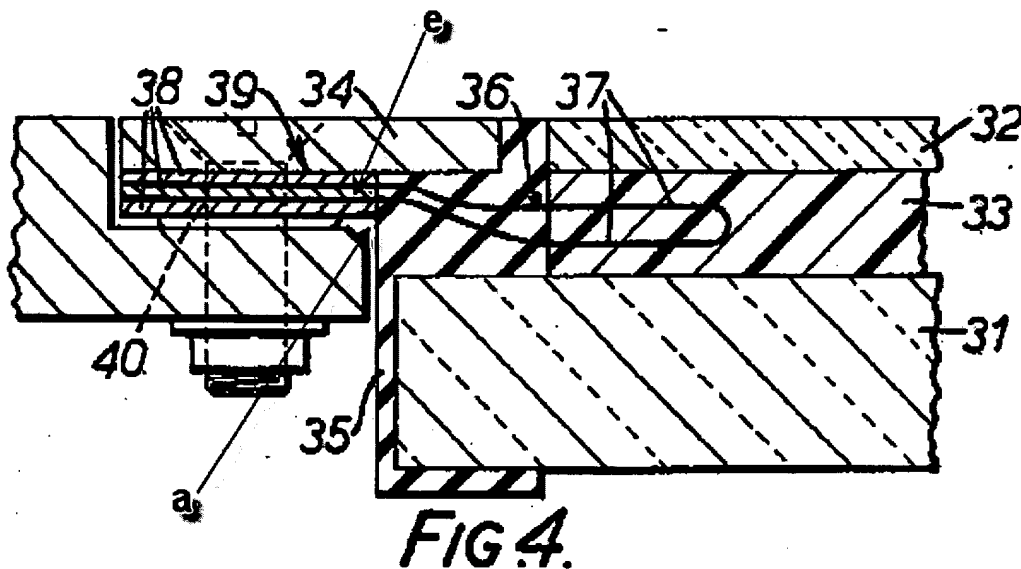
Regarding claim 14, Roberts discloses a window wherein the engagement module (e) is formed of nylon, (Column 3, Lines 19-21).

Regarding claim 15, Roberts discloses a window wherein the engagement module (e) further comprises an integrally molded metallic center (25), (Column 5, Lines 49-52).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (U.S. 3,953,630), Figure 1 in view of Roberts (U.S. 3,953,630), Figure 4. Roberts in Figure 1 discloses as discussed above but does not disclose an air gap between the

engagement module and the adhesive. However, Roberts in Figure 4 teaches an air gap between the engagement module and the adhesive (annotated Figure 4).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the window of Roberts in Figure 1 to have air gap between the engagement module and the adhesive as taught by Roberts in Figure 4 in order to make easier to mount the window or removed to be repaired.



**Roberts (U.S. 3,953,630)**

6. Claims 5, 6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (U.S. 3,953,630), in view of Klosterman (U.S. 6,330,764).

Regarding claim 5, Roberts discloses a window having a central hub (16), but does not disclose the central hub having a wedge-shaped portion. However, Klosterman teaches a window wherein the central hub (h) has a wedge-shaped portion, (annotated Figure 2). Therefore, it would have been obvious to a person having ordinary skill in the

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arts at the time of the applicant's invention to modify the central hub of Roberts to have a wedge-shaped portion as taught by Klosterman in order to provide a simple, fast assembly positioning and assembly of the window glass. The phrase "for aligning with the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claim 6, Roberts discloses a window wherein the central hub (16) comprises an aperture (28), (annotated Figure 1). The phrase "for lockingly engaging the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claims 9 and 11, Roberts discloses a window assembly having a lower edge (l), but does not disclose the lower edge defining a semi circular indentation for receiving the engagement module, the engagement module forming a continuation of the lower edge. However, Klosterman teaches a window assembly having a lower edge (e) defining a semi circular indentation (78) for receiving the engagement module (42), the engagement module forming a continuation of the lower edge, (annotated Figure 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the lower edge of Roberts to have a semi circular indentation as taught by Klosterman in order to position and retain the window glass.

Regarding claim 10, Roberts discloses a window wherein the engagement module (e) comprises a border (b) for bonding between the first (10) and second (11) glass layers and a central hub (16), (annotated Figure 1). The phrase "adapted to

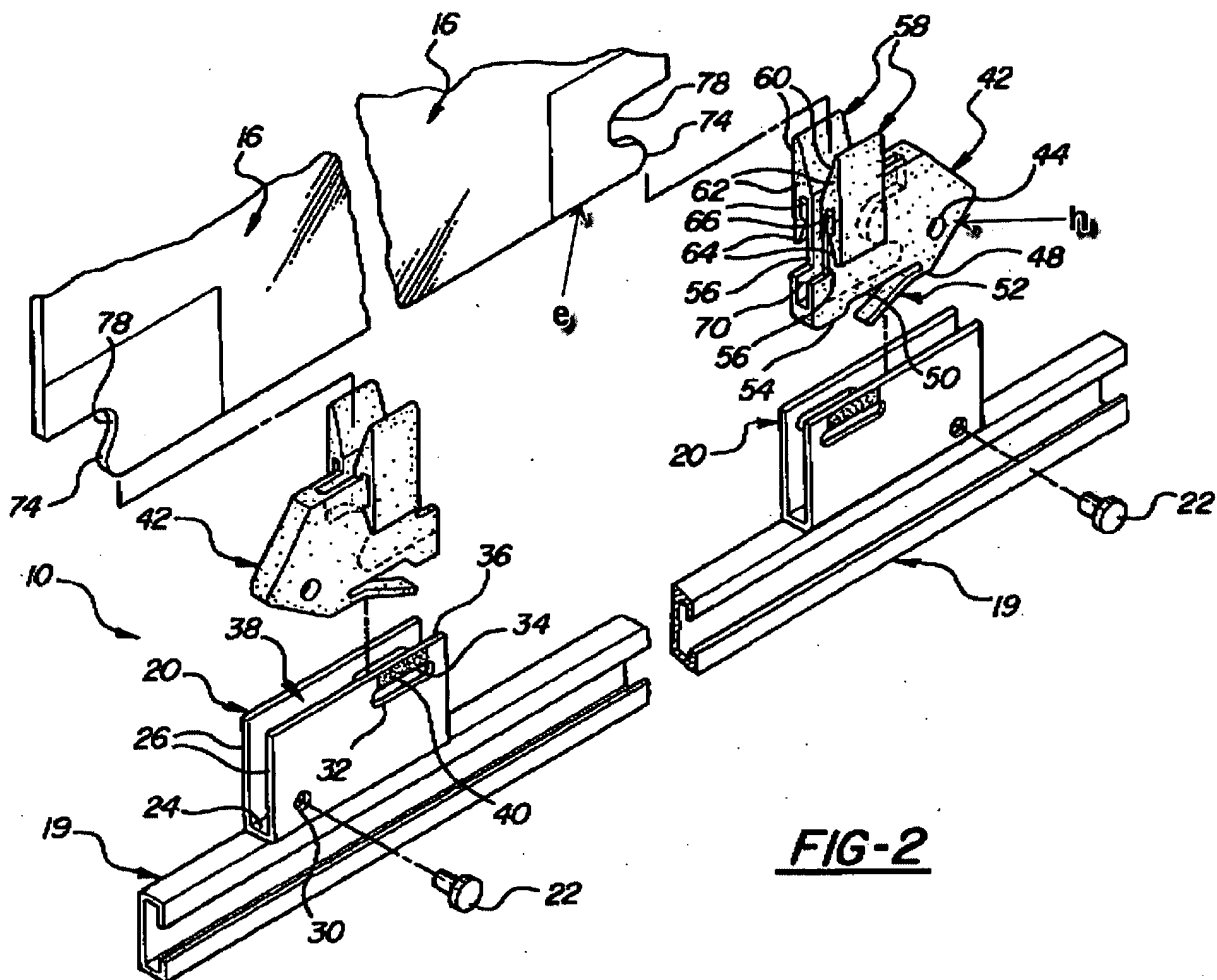


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engage the window opening mechanism" is considered intended use and is given no patentable weight.

Regarding claims 12 and 13, Roberts discloses a window assembly having an edge (I), and a first (10) and second (11) glass layers, but does not disclose the first and second glass layers defining a semi circular indentation in the edge, the engagement module being received in the indentation. However, Klosterman teaches a window assembly wherein the glass layer (16) has a semi circular indentation (78) in the edge (e), the engagement module being received in the indentation, (annotated Figure 2).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the first and second glass layers of Roberts to have a semi circular indentation as taught by Klosterman in order to position and retain the window glass.



Klosterman (U.S. 6,330,764)

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (U.S. 3,953,630), in view of Ohlenforst (U.S. 5,120,584). Roberts discloses a window assembly as discussed above, but does not disclose a portion of the spacing between the first and second glass layers is void of the adhesive. However, Ohlenforst teaches a

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window assembly wherein a portion of the spacing (13) between the first (11) and second (12) glass layers is void of the adhesive, (Figure 1), (Column 2, Lines 46-48).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the first and second glass layers of Roberts to have spacing between void of the adhesive as taught by Ohlenforst in order to improve the insulation of the window.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (U.S. 3,953,630), Figure 1 in view of Ohlenforst (U.S. 5,120,584) and further in view of Roberts (U.S. 3,953,630), Figure 4. Roberts in Figure 1 modified by Ohlenforst discloses as discussed above but does not disclose an air gap between the engagement module and the adhesive. However, Roberts in Figure 4 teaches an air gap between the engagement module and the adhesive (annotated Figure 4).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the window of Roberts in Figure 1 and Ohlenforst to have air gap between the engagement module and the adhesive as taught by Roberts in Figure 4 in order to make easier to mount the window or removed to be repaired.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stefanik (US 3,919,022) teaches a window panel having an engagement module between the glass panes.

Bertolini (US 4,991,351) teaches an engagement module having a central hub defining a wedge shaped portion and aperture.

Ohhazama (US 4,758,039) teaches an air gap between the adhesive and the engagement module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/05/2006

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Lanna Mai", with a long horizontal flourish extending to the right.